

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JERRY AYERS, KENNETH AYERS,  
DYER BENNETT,  
LORENA A. BENNETT, Administratrix  
for the ESTATE OF JAMES V. BENNETT,  
KENNETH BENNETT,  
ERMA JoANN BENNETT, Administratrix  
for the ESTATE OF ROMMIE BENNETT,  
DAVID BERTELLI, JOSEPH BERTELLI,  
RONALD B. BOSLEY, RICHARD L. HARRIS,  
CECIL ISNER, DON R. JOHNSON, JR.,  
LEONARD KERNS, GAILORD KITTLE,  
DENNIS E. LAMBERT, FREDDIE H. LOUK,  
WILLIAM McCALLISTER, DON McCAULLEY,  
THOMAS ROWE, II, GARY ROY, RANDY RUSH,  
CARLA J. BARLOW, Executrix for the  
ESTATE OF LEWIS L. SCHEITLIN, JAMES SHAFFER,  
LINDA C. SHANNON, Executrix for the  
ESTATE OF MORRIS SHANNON,  
DELMAS SHARP, DONALD H. SHAW,  
VERL SIMMONS, LEWIS SUMMERFIELD,  
GEORGE K. SWECKER, IRA TAYLOR,  
ROBERT TETER, WILLIAM VALENTINE,  
DELBERT VANDEVANDER, STEVEN WARNER  
and CHRISTINA YANOSIK, Administratrix for  
the ESTATE OF WALTER YANOSIK,

Plaintiffs,

v.

Civil Action No. 5:05CV95  
(STAMP)

CONTINENTAL CASUALTY COMPANY  
trading as CNA and  
ALLEGHENY INSURANCE COMPANY, INC.,

Defendants.

**ORDER SCHEDULING A TELEPHONIC MOTION HEARING ON  
MOTION OF NON-PARTY DAVIS MEMORIAL HOSPITAL, INC.  
TO QUASH SUBPOENA SERVED ON JULY 18, 2007**

On July 20, 2007, Davis Memorial Hospital, Inc., who is not a party to this civil action, filed a motion of a non-party to quash a subpoena that was served on July 18, 2007 by counsel for the

defendant, Continental Casualty Company.<sup>1</sup> This Court finds that it would be beneficial for the parties and the movant, Davis Memorial Hospital, Inc., to appear by counsel via telephone for a motion hearing on July 23, 2007 at 12:00 p.m. at Wheeling point of holding court.

The Court will permit all of the attorneys to participate in the conference by telephone. The movant's attorney, Brent P. Copenhaver, shall initiate a timely conference telephone call with counsel of record to the Court at 304/233-1120 at the time of the scheduled conference.<sup>2</sup>

IT IS SO ORDERED.

The Clerk is directed to transmit copies of this order to counsel of record herein and to Brent Copenhaver, Esq., counsel for Davis Memorial Hospital, Inc.

DATED: July 20, 2007

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The undersigned judge received this motion at approximately 4:20 p.m. on Friday, July 20, 2007.

<sup>2</sup>The undersigned judge is attending a meeting out of town, and thus the parties are permitted to attend the hearing by telephone.